

To: Wall, Tom[Wall.Tom@epa.gov]; Card, Joan[Card.Joan@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]; R8 GKM Leadership Team[R8_GKM_LeadershipTeam@epa.gov]; Keener, Bill[Keener.Bill@epa.gov]; Zito, Kelly[ZITO.KELLY@EPA.GOV]; Chilingaryan, Sona[Chilingaryan.Sona@epa.gov]; Gray, David[gray.david@epa.gov]; Loop, Travis[Loop.Travis@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Colip, Matthew[colip.matthew@epa.gov]; Lowery, Brigid[Lowery.Brigid@epa.gov]; Heimerman, Jeffrey[Heimerman.Jeff@epa.gov]; Evans, David[Evans.David@epa.gov]; Brown, Robert[Brown.Robert@epa.gov]; Moore, Kristie[Moore.Kristie@epa.gov]
From: StClair, Christie
Sent: Wed 5/18/2016 7:41:26 PM
Subject: RE: ACTION (reply NLT 3:30pm EST) - Daily Caller: Hatch/Gardner proposed legislation

Thanks, all. This response incorporates edits from Tom Wall, Joan Card, and Jasmine Saldenha. Changes highlighted in yellow below.

The edit David Gray requested had already been incorporated into this tally.

This inquiry is now closed.

Christie

EPA does not comment on proposed legislation.

EPA takes responsibility for the **cleanup of the** Aug. 5, 2015 Gold King Mine release. To date, EPA has:

- Allocated \$2 million in funding to support states' and tribes' monitoring plans. Utah, New Mexico, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Colorado are eligible and may apply those funds to spring monitoring and preparedness planning as well. Some entities have applied and some have not.

- Agreed to contribute an additional \$625,000, which in combination with the prior \$2 million in funding, will enable states and tribes to fund a real-time water-quality monitoring alert system. This real-time monitoring would also serve to ensure successful coordination and implementation of notification and preparedness activities for communities downstream.

- Provided \$197,792 to La Plata County through a pre-existing cooperative agreement with the Colorado Department of Public Health and Environment (CDPHE). These funds were a reimbursement for the County's allowable removal response expenses related to the Gold King Mine release.
- Provided \$220,667 to San Juan County/Town of Silverton through a pre-existing cooperative agreement with CDPHE. These funds were reimbursement for the county's and town's allowable removal response expenses related to the Gold King Mine release.
- Provided an additional \$5,529 to San Juan County/Town of Silverton through a Superfund Cooperative Agreement awarded on April 1, 2016.
- Provided an additional \$72,786 to La Plata County through a Superfund Cooperative Agreement awarded on April 1, 2016. EPA is in the process of evaluating additional expenses requested by La Plata County, and expects to reimburse additional allowable response costs under the cooperative agreement soon.
- Provided \$2,471 to the City of Durango through a Superfund Cooperative Agreement awarded on April 1, 2016. EPA is in the process of evaluating additional expenses requested by the City of Durango and expects to reimburse additional allowable response costs under the cooperative agreement soon.
- Provided \$71,571 to San Juan Basin Health through a pre-existing cooperative agreement with CDPHE and an additional \$969 through a Superfund Cooperative Agreement awarded on April 1, 2016.
- Provided \$157,000 in funding through a cooperative agreement with Navajo Nation government agencies for costs incurred during the response to the August 2015 Gold King Mine release, and requested additional information from the Navajo Nation about remaining reimbursement requests to determine their eligibility under the EPA's response authorities and federal grant principles. These funds are in addition to more than \$1.1 million spent by the agency in response costs on the Navajo Nation immediately following the release.
- Reimbursed the Southern Ute Indian Tribe \$116,372 for costs incurred during the response. EPA is in the process of evaluating additional expenses requested by the Southern Ute Indian Tribe and expects to reimburse additional allowable response costs.
- Provided \$19,460 in funding through a cooperative agreement with Arizona for costs incurred during the response to the August 2015 Gold King Mine release. EPA is reviewing requests from Arizona for reimbursement of additional costs.
- Allocated an additional \$159,900 of recertified tribal funds to the Southern Ute Indian Tribe to further support their water quality monitoring plans.
- Reimbursed the New Mexico Environment Department and other entities in the state for \$728,681 for costs incurred during the response. EPA is working with the New Mexico Environment Department to review additional requests for response costs following the state's request for an extension.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

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From: Wall, Tom

Sent: Wednesday, May 18, 2016 3:35 PM

To: StClair, Christie <StClair.Christie@epa.gov>; Card, Joan <Card.Joan@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Levine, Carolyn

<Levine.Carolyn@epa.gov>; R8 GKM Leadership Team

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<colip.matthew@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Heimerman, Jeffrey

<Heimerman.Jeff@epa.gov>; Evans, David <Evans.David@epa.gov>; Brown, Robert

<Brown.Robert@epa.gov>; Moore, Kristie <Moore.Kristie@epa.gov>

Subject: RE: ACTION (reply NLT 3:30pm EST) - Daily Caller: Hatch/Gardner proposed legislation

Hi Christie, re: contributions for the real time water quality monitoring alert system (second bullet below), my understanding of the funding is it totals to \$625K as follows:

OLEM: \$290K

OW: \$155K

ORD: \$180K

As noted in comments Friday, our intent is to support the early warning network in New Mexico and Utah as well, not just in Colorado near the proposed NPL site (the OLEM portion would just be used near the NPL site). We're still wrestling with how to contribute to the network as the monies OW and ORD have to work with (EPM) cannot be directly provided to states or tribes without a competitive process, sole source justification or waiver of the competition requirement.

Tom Wall, Director

Assessment and Watershed Protection Division

Office of Wetlands, Oceans and Watersheds

U.S. EPA

Wall.tom@epa.gov

202/564-4179

From: StClair, Christie

Sent: Wednesday, May 18, 2016 3:15 PM

To: Card, Joan <Card.Joan@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Levine, Carolyn

<Levine.Carolyn@epa.gov>; R8 GKM Leadership Team

<R8_GKM_LeadershipTeam@epa.gov>; Keener, Bill <Keener.Bill@epa.gov>; Zito, Kelly

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<Lowery.Brigid@epa.gov>

Subject: RE: ACTION (reply NLT 3:30pm EST) - Daily Caller: Hatch/Gardner proposed legislation

Got it. I want to be sure we aren't double accounting for the same bucket of money.
Does this line need to change:

Agreed to contribute an additional \$628,000, which in combination with the prior \$2 million in funding,

Christie St. Clair

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From: Card, Joan

Sent: Wednesday, May 18, 2016 3:10 PM

To: StClair, Christie <StClair.Christie@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Levine, Carolyn

<Levine.Carolyn@epa.gov>; R8 GKM Leadership Team

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Subject: Re: ACTION (reply NLT 3:30pm EST) - Daily Caller: Hatch/Gardner proposed legislation

Christie, add \$63,000 to the approximately \$9000 we have given to La Plata under their

Superfund C. A. That just happened. Thanks.

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On May 18, 2016, at 1:07 PM, StClair, Christie <StClair.Christie@epa.gov> wrote:

Michael Bastasch of Daily Caller is asking about the Hatch/Gardner legislation. Draft responses below.

Please send edits no later than 3:30pm EST.

1. Does EPA have a response on the legislation being proposed (see press release below)?

Proposed response: EPA does not comment on proposed legislation.

2. Is it true EPA is not paying out all of the costs related to the spill? Let me know, thanks!

Proposed response – Previous statement, incorporating edits from latest check in with regions on funding:

EPA takes responsibility for the Gold King Mine release and is committed to continue working hand-in-hand with the impacted local governments, states and tribes. To date, EPA has:

- ☐ ☐ ☐ ☐ ☐ ☐ Allocated \$2 million in funding to support states' and tribes' monitoring plans. Utah, New Mexico, Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Navajo Nation, and Colorado are eligible and may apply those funds to spring monitoring and preparedness planning as well. Some entities have applied and some have not.

- [REDACTED] Agreed to contribute an additional \$628,000, which in combination with the prior \$2 million in funding, will enable states and tribes to fund a real time water quality monitoring alert system in the upper Animas area above Silverton to assess contributions from Cement Creek, Mineral Creek and the upper Animas, as well as above Durango and below the confluence of Mineral Creek and the Animas River. This real-time monitoring would also serve to ensure successful coordination and implementation of notification and preparedness activities for communities downstream.
- [REDACTED] Provided \$197,792 to La Plata County through a pre-existing cooperative agreement with the Colorado Department of Public Health and Environment (CDPHE). These funds were a reimbursement for the County's allowable removal response expenses related to the Gold King Mine release.
- [REDACTED] Provided \$220,667 to San Juan County/Town of Silverton through a pre-existing cooperative agreement with CDPHE. These funds were reimbursement for the county's and town's allowable removal response expenses related to the Gold King Mine release.
- [REDACTED] Provided an additional \$5,529 to San Juan County/Town of Silverton through a Superfund Cooperative Agreement awarded on April 1, 2016.
- [REDACTED] Provided an additional \$9,786 to La Plata County through a Superfund Cooperative Agreement awarded on April 1, 2016. EPA is in the process of evaluating additional expenses requested by La Plata County, and expects to reimburse additional allowable response costs under the cooperative agreement soon.
- [REDACTED] Provided \$2,471 to the City of Durango through a Superfund Cooperative Agreement awarded on April 1, 2016. EPA is in the process of evaluating additional expenses requested by the City of Durango and expects to reimburse additional allowable response costs under the cooperative agreement soon.
- [REDACTED] Provided \$71,571 to San Juan Basin Health through a pre-existing cooperative agreement with CDPHE and an additional \$969 through a Superfund Cooperative Agreement awarded on April 1, 2016.
- [REDACTED] Provided \$157,000 in funding through a cooperative agreement with Navajo Nation government agencies for costs incurred during the response to the August 2015 Gold King Mine release, and requested additional information from the Navajo Nation about remaining reimbursement requests to determine their eligibility under the EPA's response authorities and federal grant principles. These funds are in addition to more than \$1.1 million spent by the agency in response costs on the Navajo Nation immediately following the release.
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- [REDACTED] Allocated an additional \$159,900 of recertified tribal funds to the Southern Ute Indian Tribe to further support their water quality monitoring plans.

- [REDACTED] Reimbursed the New Mexico Environment Department and other entities in the state for \$728,681 for costs incurred during the response. EPA is working with the New Mexico Environment Department to review additional requests for response costs following the state's request for an extension.

----- Forwarded message -----

From: **Whitlock, Matt (Hatch)** <Matt_Whitlock@hatch.senate.gov>

Date: Wed, May 18, 2016 at 2:04 PM

Subject: RELEASE: Hatch, Gardner Introduce Bill Holding EPA Accountable for Gold King Mine Spill

To:

Cc: "Freire, JP (Hatch)" <JP_Freire@hatch.senate.gov>

<image001.png>

FOR IMMEDIATE RELEASE

Wednesday, May 18, 2016

Media Contacts:

Matt Whitlock (Hatch): [\(202\) 224-4511](tel:(202)224-4511)

Megan Taylor (Gardner): [\(202\) 224-5941](tel:(202)224-5941)

Hatch, Gardner Introduce Bill Holding EPA Accountable for Gold King Mine Spill

Washington, DC – Today, Senators Orrin Hatch (R-UT) and Cory Gardner (R-CO) introduced the Gold King Accountability and Compensation for Taxpayers Act—a fiscally responsible bill that

requires the Environmental Protection Agency (EPA) to compensate all communities impacted by the Gold King Mine spill, which occurred last August after the EPA unintentionally released millions of gallons of wastewater into the Animas River. The legislation follows [reports](#) that the federal government will not fully reimburse La Plata County for costs associated with the accident.

“Last year the EPA inadvertently spilled millions of gallons of waste into the Animas River in Colorado, exposing the waterways and surrounding environment to toxic heavy metals,” **said Hatch**. “This spill had a significant adverse impact on many downstream communities and businesses throughout multiple Western states—including Utah. The EPA must be held accountable for this travesty, and those that were impacted by this man-made disaster should be justly compensated. I am proud to join Senator Gardner in introducing legislation that will accomplish both these goals.”

“The EPA-born Gold King Mine disaster financially burdened families, businesses, tribal communities, and local governments not only in Colorado, but also neighboring states,” **said Gardner**. “The EPA is wholly accountable and therefore should be held to the same standard as private companies, and the Gold King ACT makes sure of it. I’ll continue to fight to ensure all of those affected by the Animas River spill are made whole, and encourage my colleagues to join Senator Hatch and me in rejecting Washington’s double standard and holding the EPA fully liable.”

Currently, there are more than 60 federal tort claims relating to the Gold King Mine spill. The Gold King ACT holds the EPA fully accountable by requiring the agency to pay for these claims out of its own budget. Additionally, the legislation expedites the payout of emergency response costs assumed by tribes, counties, and local governments. While some of the response claims have been paid, the EPA has stated that it is not preparing to process emergency response actions after October 31, 2015. This bill directs the EPA to process and pay claims filed after this date as long as a claimant’s action is consistent with standard emergency response costs listed in federal law. Lastly, the legislation requires the EPA to work in coordination with states and Native American tribes to develop and implement a program for long-term water quality monitoring of the Animas River, which includes collecting water quality samples and sediment data and releasing it to the public.

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